



125 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CR No. 5328 of 2025 (O&M)
DATE OF DECISION: 11.08.2025**

SHER SINGH

.....PETITIONER

Vs.

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Radhe Shyam Sharma, Advocate,
 for the petitioner.

 Mr. Ajit Kumar Sharma, D.A.G., Haryana.

AMARINDER SINGH GREWAL, J.

1. Prayer in the present Civil Revision Petition, filed under Article 227 of the Constitution of India, is for setting aside the impugned order dated 03.07.2025 (Annexure P-1), passed by the learned Additional Civil Judge (Senior Division), Rohtak, whereby the application under Order 7 Rule 11 read with Section 151 of the Code of Civil Procedure, 1908 (for short, 'the CPC') filed by the petitioner was dismissed.

2. I have heard learned counsel for the revisionist-petitioner and perused the paper-book.

3. A perusal of the records reveals that respondents No. 3 to 9 had filed a civil suit for declaration to the effect that they are owners in possession of agricultural land comprised in the dispute, and that the order dated 21.12.1959 passed by the Collector, Agrarian, Rohtak in file dated 16.07.1959, titled *State vs. Kura and others*, and the order dated



07.12.2016 passed by the Commissioner, Rohtak in file No. 101, dated 17.03.2016, titled *Ram Phal vs. State of Haryana*, as well as subsequent revenue entries in the revenue record vide mutation Nos. 825 and 826 in favour of defendant No. 1 on the basis of the order dated 21.12.1959, are illegal, null, and void, and that the plaintiffs are entitled to get the above land mutated in their names in the revenue record.

4. In the said suit, the present revisionist-petitioner had filed an application under Order 7 Rule 11 read with Section 151 of the CPC, which was dismissed, vide order dated 03.07.2025 (Annexure P-1), now under challenge.

5. Counsel for the revisionist-petitioner submitted that the order dated 03.07.2025 (Annexure P-1) passed by the learned Additional Civil Judge (Senior Division), Rohtak is arbitrary in nature, as the fathers of respondents No. 3 to 9 never challenged the order dated 21.12.1959 during their lifetime and, moreover, the present respondents No. 3 to 9 have filed the suit after an inordinate delay.

6. It was further submitted that the present respondents No. 3 to 9 had filed an application challenging the order dated 21.12.1959 before the Commissioner, Rohtak, in the year 2016, but the same was dismissed on 07.12.2016. Once the matter had been decided by the Commissioner, Rohtak, the Civil Court had no jurisdiction in view of Section 26 of the Haryana Ceiling on Land Holdings Act, 1972 (for short, 'the Act').

7. It was contended that the learned lower Court failed to appreciate the above facts and wrongly rejected the application under Order 7 Rule 11 read with Section 151 of the CPC, and prayer was made for



allowing the revision petition.

8. In view of the order proposed to be passed, notice is not being issued to private contesting respondents No. 3 to 9, as it would delay the proceedings and entail additional expense to the respondents.

9. After hearing the above submissions, this Court is of the view that whether the suit is barred by limitation or under Section 26 of the Act can be determined by the learned lower Court only after evidence is led in that regard. Merely on the ground that the suit is time-barred or barred under Section 26 of the Act, the present revision petition cannot be allowed. Moreover, the parties are already leading evidence before the learned lower Court. Accordingly, this Court finds that the learned lower Court has rightly dismissed the application under Order 7 Rule 11 read with Section 151 of the CPC.

10. Finding no illegality in the order dated 03.07.2025 (Annexure P-1), the present revision petition, being devoid of merit, is accordingly dismissed.

11. Pending miscellaneous application(s), if any, shall also stand disposed of.

AUGUST 11, 2025
nitin

(AMARINDER SINGH GREWAL)
JUDGE

Whether Speaking	Yes
Whether Reportable	No